

## REMARKS

### 35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Searls in view of Zohar. Applicant submits that these claims are not unpatentable over these cited references.

The Examiner has relied on the provisions of 35 U.S.C. § 103(a) as a base for the obviousness argument, which states as follows:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

However, 35 U.S.C. § 103(c)(1) states as follows:

*Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

The Applicants for the present application are Tom E. Pearson, Dudi I. Amir, and Terrance J. Dishongh. The Applicants for the present patent application, at the time that the invention was made, had an obligation to assign their invention to Intel Corporation of 2200 Mission College Blvd., Santa Clara, California, 95052. The Applications executed an Assignment and the Assignment was recorded at

the United States Patent and Trademark Office on March 29, 2004 at Reel/Frame 015171/0481.

The Searls reference, upon which the Examiner relies, on its face states that it is also assigned to Intel Corporation of Santa Clara, California. Furthermore, the Searls reference qualifies as prior art under Section 102(e) and not also, for example, under Sections 102(a) or (b). According to Section 103(c)(1), the subject matter of the Searls reference, although it qualifies as prior art under Section 102(e), shall not preclude patentability of the present patent application because the Searls reference and the claimed invention were, at the time that the claimed invention was made, either owned by or was subject to assignment to Intel Corporation.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Searls in view of Zohar, since Searls does not qualify as prior art per 35 U.S.C. 103(c)(1).

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.


Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is

hereby requested. Please charge any corresponding fee to Deposit Account No.  
02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: June 8, 2006

  
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